ORDER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE

N/S Spring Lake Drive, 212.7' W

of the c/l of Hartham Court (2448 Spring Lake Drive)

8th Election District

4th Councilmanic District

Hammond Residuary Trust, c/o David S. DeJong, Trustee -

Petitioner

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 99-71-A

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Hammond Residuary Trust, by David S. DeJong, Trustee. The Petitioner seeks relief from Sections 1892.3.B (208.3) and 301.2 of the Baltimore County Zoning Regulations (B.C.Z.R., 1955) to permit an open projection (carport canopy) with a side setback of 5 feet in lieu of the required 11.25 feet, and a sum of the side yards of 15 feet in lieu of the required 25 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert Hammond, who resides on the property, and Thomas Hoff, Registered Landscape Architect. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.27 acres, more or less, zoned D.R.3.5. The property is a rectangularly shaped lot, approximately 81 feet wide across the front property line abutting Spring Lake Drive, and 55 feet across the rear property line. The property is presently improved with a two-story, single family dwelling located on the front portion of the lot. Mr. Hammond indicated that he has lived on the property off and on since 1965. During

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that time he has made extensive improvements to the property including new siding, new roof, new windows, etc. In conjunction with those renovations, Mr. Hammond would like to install a carport on the west side of the dwelling, over an existing concrete driveway. Due to the location of the existing dwelling on the property, the requested variances are necessary in order to proceed with the proposed improvements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any

injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of October, 1998 that the Petition for Variance seeking relief from Sections 1802.3.8 (208.3) and 301.2 of the Baltimore County Zoning Regulations (B.C.Z.R., 1955) to permit an open projection (carport canopy) with a side setback of 5 feet in lieu of the required 11.25 feet, and a sum of the side yards of 15 feet in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

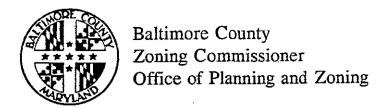
PIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

October 14, 1998

Mr. David S. DeJong 25 W. Middle Lane Rockville, Maryland 20850

RE: PETITION FOR VARIANCE

N/S Spring Lake Drive, 212.7' W of the c/l of Hartham Court

(2448 Spring Lake Drive)

8th Election District - 4th Councilmanic District

Hammond Residuary Trust, c/o David S. DeJong, Trustee - Petitioner

Case No. 99-71-A

Dear Mr. DeJong:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

luithy 16 troco

for Baltimore County

TMK:bjs

cc: Mr. Robert Hammond

2448 Spring Lake Drive, Timonium, Md. 21030

Mr. Thomas J. Hoff

406 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel; Case Files



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at

2448 Spring Lake Drive

which is presently zoned

DR 3.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Variance to Sections 208.3 & 301.2, 1955 BCZR, to allow an open projection with a 5' setback in lieu of the required 11.25' and with a sum of the sideyards of 15' in lieu of the required 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pethion
Contract Purchaser/Lessee:			Legal Owner(s):
			(Type or Print Name)
(Type or Print Name)			(Type or Print Name)
Signature		<del> </del>	ty trustee
_			OSIGNATURE DAVIO S. DEJONG
Address			(Type or Print Name)
City	State	Zipcode	Signature
Attorney for Petitioner:			
(Type or Print Name)		<del></del>	<u>25 W. MIDOLE LA. 301-838-3204</u> Address Phone No
			ROCKVILLE, MD. 20850
Signature			City State Zipcode Name, Address and phone number of representative to be contacted.
			THOMAS J. HOFF
Address	Phone No.	<del></del>	Name
City	State	Zipcode	Address Phone No.
			OFFICE USE ONLY
7			ESTIMATED LENGTH OF HEARING 1222
	L (	-1 - J 1 1	the following dates Next Two Months
Printed with Soybean Ink on Recycled Paper			ALLOTHER7
Revised 9/5/95			REVIEWED BY:

# 2448 Spring Lake Drive

REASONS FOR VARIANCE REQUEST:

#### **UNIQUENESS OF PROPERTY**

THIS LOT IS ONE OF THE SMALLEST LOTS IN THE SUBDIVISION OF SPRINGLAKE. THE LOT NARROWS FROM FRONT TO REAR RESULTING IN A NARROWER BUILDING ENVELOPE THAN MOST OF THE OTHER LOTS IN SPRINGLAKE.

#### PRACTICAL DIFFICULTY

STRICT COMPLIANCE WITH THE REGULATIONS WOULD NOT ALLOW ANY CARPORT AT ALL ON THIS LOT. MOST OF THE LOTS IN THE SUBDIVISION, WHICH ARE LARGER, HAVE GARAGES OR CARPORTS OR THE ROOM TO ADD A GARAGE OR CARPORT WITHOUT NEEDING A VARIANCE. WE ARE ASKING FOR THE MINIMUM RELIEF NECESSARY. IF WE MADE THE CARPORT SMALLER THEN A CAR WOULD NOT FIT. THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED BECAUSE HAVING A CARPORT IS AN ALLOWED USE. IN ADDITION, THE CARPORT WOULD NOT HAVE A NEGATIVE IMPACT ON THE PUBLIC SAFETY AND WELFARE.

THERE WILL BE NO INCREASE IN RESIDENTIAL DENSITY.

THE RELIEF REQUESTED IS IN STRICT HARMONY WITH THE SPIRIT AND INTENT OF HEIGHT, AREA, PARKING AND SIGN REGULATIONS.

GRANTING RELIEF WILL NOT HAVE A NEGATIVE IMPACT ON PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

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### THOMAS J. HOFF, INC.

Landscape Architect and Land Development Consultant 406 WEST FENNSYLVANIA AVENUE TOWSON, MD. 21204 410-296-3668 FAX 410-296-5326

August 10, 1998

Description of Hammond Property, 2448 Spring Lake Drive, to Accompany Petition for Variance.

**BEGINNING FOR THE SAME** at a point on the north side of Spring Lake Drive (50' R/W), 212.7 feet more or less west of the centerline of Hartham Court (50, R/W).

Being Lot 23, Block Q, Section 3, Plat 5 in the subdivision of Springlake as recorded in the Land Records of Baltimore County in Plat Book 28, Folio 75, containing 0.27 acres of land more or less.

Also known as 2448 Spring Lake Drive and located in the 8th Election District and the 4th Councilmanic District.

Note:

This Description has been prepared for zoning purposes only.



BALTIMORE COUNTY, MAR OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	PAIN RECEIPT  PROFESS METUAL TIME 9/11/1998 11:22:45
DATE $\frac{R-11-98}{A-11-98}$ ACCOUNT $\frac{R-001-6150}{A-11-6150}$ REAL AMOUNT \$ 50.00	A WEDS CASHIER PARE PER INTER  5 MINCELLANGE CASH RECEIPT  ARIPOT N (5453)  FIN. (56121  FIN. (56121  FIN. (66121  FIN. (66121)  FIN. (66121)  FIN. (66121)  FIN. (66121)
FOR: Residential Varionse filing fee  # 2448 Spring Lake DE:	71-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

#### MOTICE OF ZONING **CELEBRA**

The Zening Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Tow-</u> son. <u>Maryland</u> on the property identified herein as follows.

Case: #99-71-A 2448 Spring Lake Drive N/S Spring Lake Drive, 212' +/- W of centerline Hartham Count 8th Election District 4th Councilmanic District Legal Owner(s): Hammad Re-siduary Trust

Variance: to allow an open projection, with a 5-foot set-back in fieu of the required 11.25 feet and with a sum of the side yards of 15 feet in lieu of the required 25 feet Hearing: Thursday, September 24, 1998 at 9:00 a.m., in Room 407, County Counts Bldg., 461 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for naturappeu Augessine; lor special accommodations Please Call (410) 887-3353. (2) For information concern-ing the File and/or Hearing, Please Call (410) 887-3391.

C255674 9/025 Sept. 3

# CERTIFICATE OF PUBLICATION

TOWSON, MD., THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on

THE JEFFERSONIAN.

LEGAL AD. - TOWSON



#### **CERTIFICATE OF POSTING**

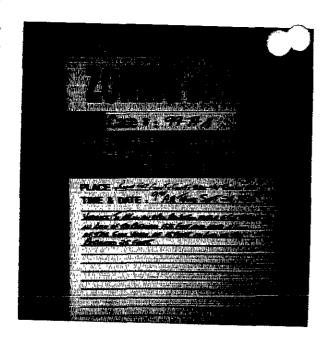
RE: Case # 99-71-A
Petitioner/Developer:
(Hammad Residuary Trust)
Date of Hearing/Classing:
(Sept. 24, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

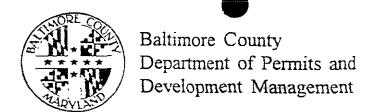
Attention: Ms. Gwendolyn Stephens

#### Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by						
law were posted conspicuously on the property located at						
2448 Spring Lake Drive Baltimore, Maryland 21 <b>0</b> 93						
The sign(s) were posted on Sept. 8, 1998	Vocah					



Sincerely,  Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 71
Petitioner: ROBERT C. HAMMOND
Location: 1448 SPRING LAKE DR.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: ROBERT C. HAMMOND
ADDRESS: 1448 SPRING LAKE DR.
TIMONIUM, MO. 21093
PHONE NUMBER: 410 - 252 - 5925
AJ:ggs (Revised 09/24/96)



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 8/23

Format for Sign Printing, Black Letters on White Background:

# **ZONING NOTICE**

Case No.: 99-71-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE:	
DATE AND T	ME:
REQUEST:	9 Variance to allow a side yard sethocky
5 Ht fo.	ran open projection (Carport) and a sum of side-
-yard so	thacks of 15 ft. in lieu of the minimum
reguire	ed 11.25 ft & 25 ft respectively
POSTPONEME	NTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY September 3, 1998 Issue - Jeffersonian

Please forward billing to:

Robert C. Hammond 2448 Spring Lake Drive Timonium, MD 21093 410-252-5925

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-71-A 2448 Spring Lake Drive

N/S Spring Lake Drive, 212' +/- W of centerline Hartham Court

8th Election District - 4th Councilmanic District

Legal Owner: Hammad Residuary Trust

<u>Variance</u> to allow an open projection with a 5-foot setback in lieu of the required 11.25 feet and with a sum of the side yards of 15 feet in lieu of the required 25 feet.

**HEARING:** 

Thursday, September 24, 1998 at 9:00 a.m. in Room 407, County Courts

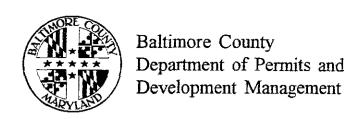
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

August 19, 1998

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-71-A 2448 Spring Lake Drive

N/S Spring Lake Drive, 212' +/- W of centerline Hartham Court

8th Election District - 4th Councilmanic District

Legal Owner: Hammad Residuary Trust

<u>Variance</u> to allow an open projection with a 5-foot setback in lieu of the required 11.25 feet and with a sum of the side yards of 15 feet in lieu of the required 25 feet.

**HEARING:** 

Thursday, September 24, 1998 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

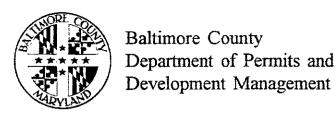
Arnold Jablon Director

c: Hammad Residuary Trust

Thomas J. Hoff

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 9, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 17, 1998

Mr. Thomas J. Hoff 406 W. Pennsylvania Avenue Towson, MD 21204

RE: Item No.: 71

Case No.: 99-71-A

Location: 2448 Spring Lake Dr.

Dear Mr. Hoff:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on August 11, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:aas

Enclosures



## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

**DATE**: August 26, 1998

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT**: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 69, 70, 71, and 74

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3480.

Section Chief:

AFK/JL

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 28, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for August 31, 1998

Item No. 71

The Development Plans Review Division has reviewed the subject zoning item. The plan as shown is acceptable, but be advised that Baltimore County policy prohibits the construction of any permanent structure within a designated utility easement.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 28, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August 31, 1998

Item No. 75

The Development Plans Review Division has reviewed the subject zoning item. The proposed signs shall not interfere with the lines of sight.

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams

Administrator

Date:

8.21.51

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County

Item No. 71

115

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Ronald Burns, Chief

P. J. Dredle

**Engineering Access Permits** 

Division

LG

	*	BEFORE THE
RE: PETITION FOR VARIANCE 2448 Springlake Drive, N/S Springlake Dr, 212' +/- W of c/l Hartham Ct, 8th Election District,	*	ZONING COMMISSIONER
4th Councilmanic	*	FOR
Legal Owners: Hammad Residuary Trust	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 99-71-A
	± ±	* * * * *

#### **ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

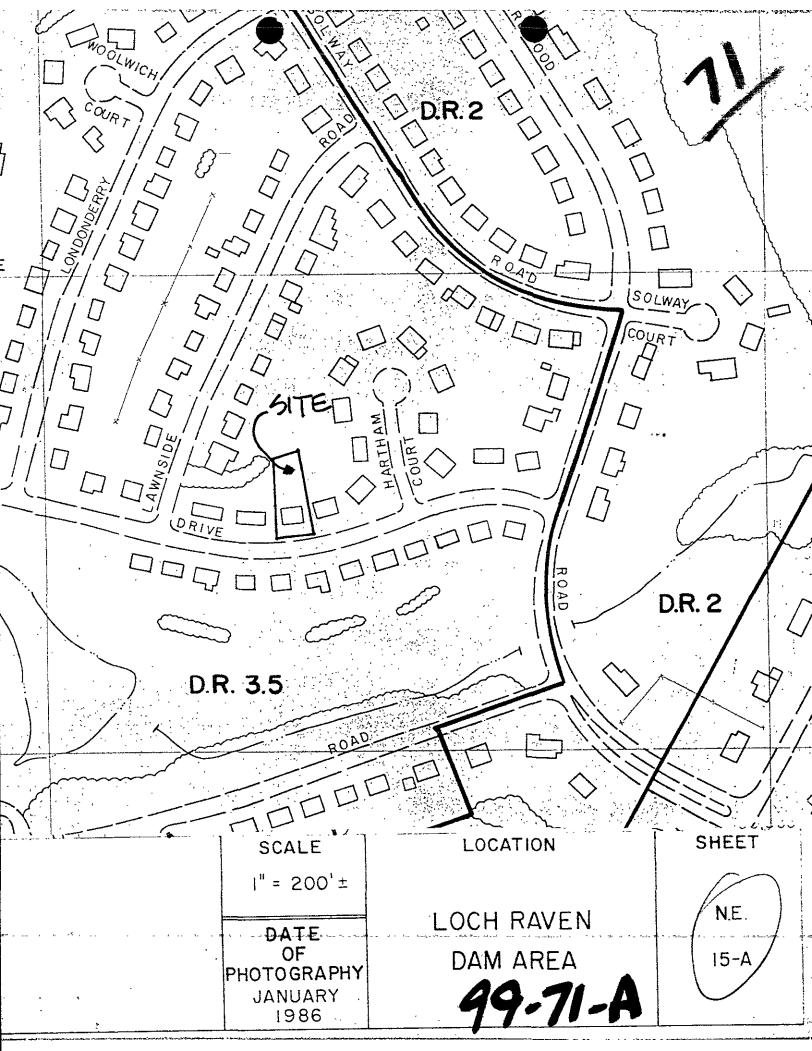
Towson, MD 21204

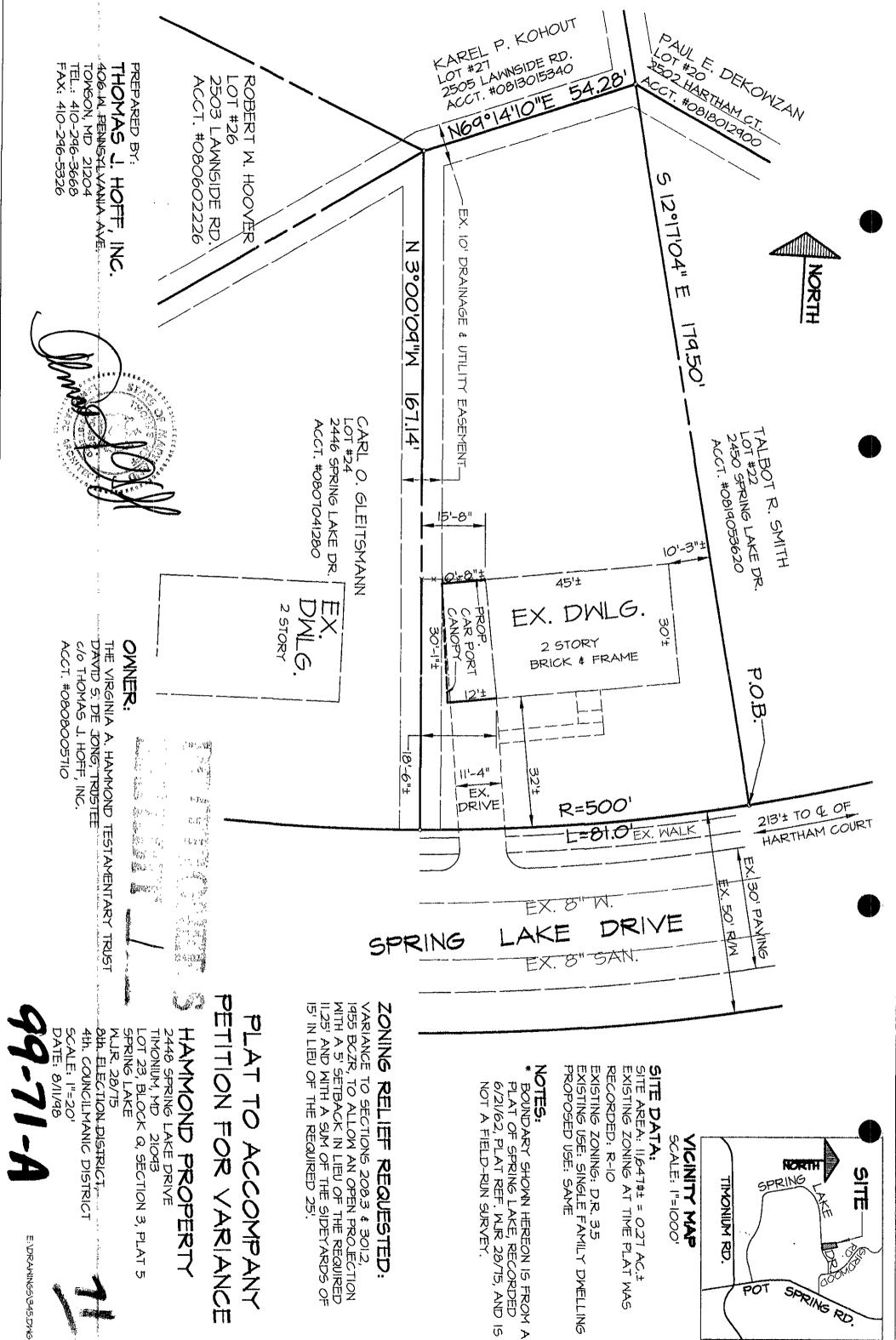
(410) 887-2188

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this \_\_\_\_ day of-August, 1998, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson, MD 21204, representative for Petitioner(s).

PETER MAX ZIMMERMAN





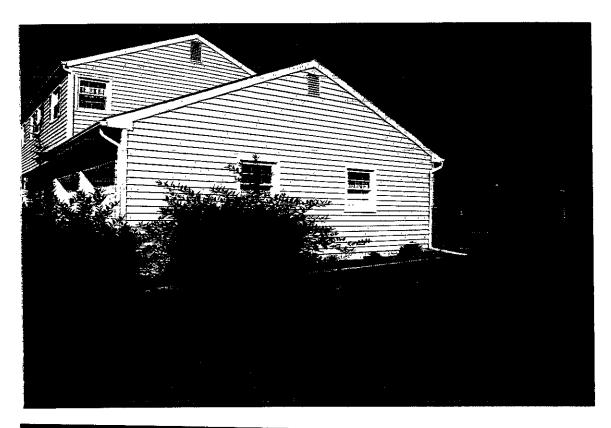
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photographs 99-11-A